

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

PAUL KEVIN CURTIS

PLAINTIFF

V.

CAUSE NO.: 1:15CV082-SA-DAS

THE UNITED STATES OF AMERICA and
JOHN DOES 1-15

DEFENDANTS

ORDER

Plaintiff originally filed this case on April 30, 2015. Summonses were not issued until August 3, 2015 [4], after two Clerk's Notices of Incomplete Process [2,3]. Another Clerk's Notice of Incomplete Process has been entered on September 3, 2015. In all, over 152 days have elapsed since the filing of this Complaint.

Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Accordingly, pursuant to Federal Rule of Civil Procedure 4(m), the court, on its own motion, hereby dismisses this case without prejudice due to incomplete service of process by Plaintiff.

SO ORDERED, this the 8th day of October, 2015.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE